

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**JUANITA ANDERSON, Personal Representative
of the Estate of Stephen W. Serafini,**

Plaintiff,

v.

**Civil Action No. 3:06-CV-53
(Consolidated) 3:06-CV-54
(BAILEY)**

**Samuel D. Cook, III and May Trucking,
LLC,**

Defendants.

ORDER OF STATUS CONFERENCE

On October 29, 2007, the parties in the above-styled civil actions appeared before the Court for a telephonic status conference. The plaintiffs in both cases were present by counsel, Grahame Holmes and Joseph Ferretti. The defendants in both civil actions were present by counsel, Tracey B. Eberling.

As an initial matter, the Court addressed alternate ways for these two civil actions to proceed to trial. These cases essentially involve two sets of plaintiffs against one common defendant. The **Sentry Select** action is a subrogation claim by a plaintiff insurance company, which arises from the collision of two tractor trailers. The **Anderson** action is a wrongful death claim arising from the same accident.

The plaintiffs suggested the parties should be able to provide a stipulation as to the property damages in the subrogation claim, which would allow the case to proceed to trial solely on the issue of liability. The defendants objected to this proposition, and expressed concern that an issue regarding damages for loss of use may arise. The defendants then requested that the Court bifurcate the issues of liability and damages. After providing the parties an opportunity to supplement their arguments, the Court **ORDERED** as follows:

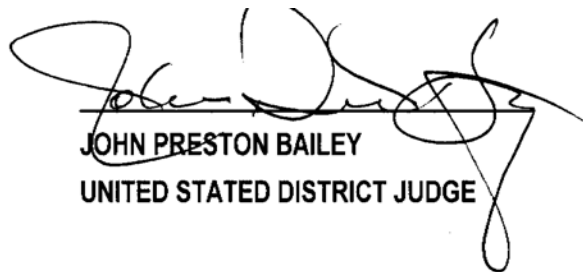
1. That ***Anderson v. Cook*** and ***Sentry Select Ins. Co. v. Cook*** be **CONSOLIDATED**, with ***Anderson v. Cook*** as the lead case;
2. That plaintiffs shall be permitted to offer testimony as to damages to the tractor trailer and its cargo, unless the parties stipulate to this value prior to trial;
3. That the verdict form shall contain a separate interrogatory for damages to the tractor trailer and cargo if the parties cannot stipulate as such;
4. That the parties shall not mention insurance or subrogation at trial;
5. That the **discovery deadline** in this matter be **extended** from October 31, 2007, to **December 15, 2007**;
6. That the **trial** date in ***Anderson v. Cook*** be **CONTINUED** from February 1, 2008, to **February 5, 2008**.

As a final matter, in recognition of the above, plaintiff Sentry Select's Motion to Consolidate [Doc. 51, 3:06-cv-54] is hereby **GRANTED**. There being no further business, the Court adjourned the matter.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: October 30, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE